

elected, then election of a single amino acid sequence of 30, 31, 32 or 33 was required. Upon election of Group IV, election of a single amino acid sequence of SEQ ID NO: 30 or 33 was required. Finally, upon election of Groups II or V-VIII, election of a single nucleic acid sequence of SEQ ID NOs: 1-4, 6-28 or 29 was required.

Applicants respectfully traverse the restriction requirement, and provisionally elect the claims of Group I, Claims 1-21, 25-27 and 30-41 for further prosecution. Applicants further provisionally elect the amino acid sequence of SEQ ID NO: 33 and the corresponding nucleic acid encoding sequence, SEQ ID NO: 4, for further prosecution.

However, Applicants submit that the Office has not proven that an undue burden would be imposed by search and examination of the entire application. Applicants submit that the complete examination of the application would be handled most expeditiously by treating all of the pending claims as a single entity. As Section 803 of the MPEP directs, “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” Applicants respectfully submit that the Examiner has not shown that a search and examination of the entire application would cause a serious burden. Rather, a serious burden would arise if the application were restricted.

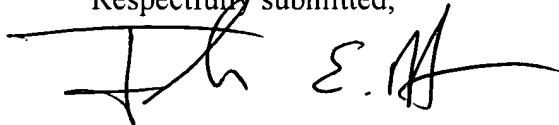
No serious burden is created for the Examiner by running a simultaneous computerized search of the methods of Groups I and II, for example. The single search may be run in conjunction with databases such as those available at

<http://www.ncbi.nlm.nih>. A single search for a particular amino acid gene sequence, for example, would automatically yield results from Groups I and II without any undue burden on the Examiner.

Based upon the foregoing, Applicants submit that the restriction requirement is improper and therefore must be withdrawn. To facilitate prosecution, however, Applicants have provisionally elected, with traverse, Group I (Claims 1-21, 25-27 and 30-41) and further provisionally elect the amino acid sequence of SEQ ID NO: 33 and the corresponding single nucleic acid encoding sequence, SEQ ID NO: 4, for further prosecution.

Should the Examiner have any questions regarding this application, the Examiner is encouraged to contact Applicants' undersigned representative at (202) 942-5085.

Respectfully submitted,

The block contains two handwritten signatures in black ink. The first signature, on the left, is for Thomas E. Holsten and is written in a stylized, cursive manner. The second signature, on the right, is for David R. Marsh and is also written in a stylized, cursive manner.

Thomas E. Holsten (Reg. No. 46,098)
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Date: September 7, 2004

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